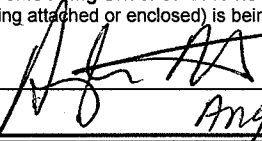


Docket No.: M0925.70143US00  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Timothy M. Swager, *et al.*  
Serial No.: 10/823,093  
Confirmation No.: 3154  
Filed: April 12, 2004  
For: EMISSIVE SENSORS AND DEVICES INCORPORATING THESE  
SENSORS  
Examiner: D. S. Metzmaier  
Art Unit: 1796

<b>Certificate of Electronic Filing Under 37 CFR 1.8</b>	
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).	
Dated: November 10, 2009	Signature:  Angela M. Griffith

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Non-Compliant Amendment mailed May 13, 2009, Applicant hereby submits a new claim set list (Appendix A) with the proper status identifier setting forth the (Withdrawn) claims.